

REMARKS

Reconsideration and withdrawal of the examiner's rejections under 35 USC § 103 is respectfully requested in view of the above amendments and the following remarks. The applicant would like to thank the examiner for her time and kind cooperation in this matter.

35 USC § 103

The examiner has rejected claims 1, 4 and 7 under 35 U.S.C. 103(a) as being unpatentable over Allen (US 5,510,004).

Allen teaches azetidinium polymers as paper finishers, specifically for increasing the wet strength of paper (col. 2, lines 47-49). In order to distinguish the instant invention over Allen, applicant's have amended the claim to state 'fabric' treatment agent. It is respectfully submitted that Allen makes no disclosure of any suitability for fabric treatment. The skilled person would understand that paper has quite different physical and chemical properties from fabric and it is respectfully submitted that it would not be predictable whether specific treatment results would be obtained absent undue experimentation. See KSR Int'l. v. Teleflex, Inc., No. 04-1350, U.S., April 30, 2007.

Furthermore, Allen does not teach the polymer in combination with the now claimed textile compatible carriers, being the claimed specific detergent active surfactants or the claimed specific textile softening or conditioning compound. Thus Allen does not teach or suggest a textile compatible carrier, and provides no suggestion to do so absent impermissible hindsight, thus the amended claim 1 is novel and unobvious over Allen.

Support for the amendments are on page 11, line 21; page 13, lines 4-7, and page 16, lines 12-13.

The examiner has rejected claims 1 and 5-10 under 35 U.S.C. 103(a) as being unpatentable over Nagasuna, et al., (US 6,297,319). Applicants respectfully traverse this rejection.

Nagasuna teaches a water-absorbing agent made by treating a water-absorbent resin with an oxazoline compound of specified structure. The agent is a water absorbing agent for paper-made diapers (disposable diapers col. 1, line 9). Nagasuna is silent about the treatment of fabrics, especially clothes as is required by the presently amended claims.

Nagasuna does not disclose the polymer in combination with the claimed specified detergent active surfactants or the claimed fabric softening or conditioning compound. The only disclosure of 'surfactant' is at col. 12, lines 59 onwards, where Nagasuna states that "surfactants or inert fine inorganic powders may be used as third substances other than the crosslinking agent". Applicants respectfully submit that this disclosure means that the surfactant is taught to be used instead of the crosslinking agent and not in combination therewith. Therefore, it is respectfully submitted that Nagasuna teaches away from the claimed combination of specific surfactants and a crosslinking agent.

The examiner has rejected claim 11 under 35 U.S.C. 103(a) as being unpatentable over Nagasuna, et al., (US 6,297,319) as applied to the claims above and further in view of Evans (US 5,534,038). Applicants respectfully traverse this rejection.

Evans is concerned with the unrelated and nonanalogous field of contact lens tinting. Evans does make a single mention of disposable diapers in col. 11, lines 24, which applicants respectfully submit is not the essential teaching of Evans. In the context of § 103, the essential teaching of the reference is sought. By the same token, "[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." *In re Wesslau*, 353 F.2d 238, 241, 147 U.S.P.Q. 391, 393 (C.C.P.A. 1965); see also *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 448-49, 230 U.S.P.Q. 416, 420 (Fed. Cir. 1986) (holding that district court, by failing to consider a prior art reference in its entirety, ignored portions of the reference that led away from obviousness).

In the alternative that the skilled person would consider such an unlikely document, from the disclosure of Nagasuna, the skilled person would conclude that disposable diapers are a paper-based as opposed to a fabric material. Furthermore, Evans does not teach any composition for fabric treatment including a surfactant as required by claim 1.

CONCLUSION

In summary, claims 1 and 4 have been amended. No new matter has been added by these amendments.

In light of the above remarks, applicants submit that the claims now pending in the present application are in condition for allowance. Reconsideration and allowance of the application is respectfully requested. The examiner is invited to contact the undersigned if there are any questions concerning the case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan A. Bornstein", is written over a horizontal line.

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